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E-FILED - 10/11/07

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re FINISAR CORP. DERIVATIVE
LITIGATION

This Document Relates To:

ALL ACTIONS.

) Master File No. C-06-07660-RMW
)

) STIPULATION AND [] ORDER
) REVISING BRIEFING SCHEDULE FOR
) PLAINTIFFS' OPPOSITION TO
) DEFENDANTS' MOTIONS TO DISMISS
)

1 WHEREAS, plaintiffs timely filed their First Amended Consolidated Verified Shareholder
2 Derivative Complaint for Violation of the Federal Securities Laws and State Law Claims for Breach
3 of Fiduciary Duty, Abuse of Control, Constructive Fraud, Corporate Waste, Unjust Enrichment,
4 Gross Mismanagement, Action for an Accounting and Violations of California Corporations Code
5 on July 12, 2007;

6 WHEREAS, defendants filed their motions to dismiss on August 28, 2007, and plaintiffs'
7 oppositions to said motions to dismiss are currently due to be filed on October 12, 2007;

8 WHEREAS, the parties have agreed that plaintiffs may file their oppositions to defendants'
9 motions to dismiss by October 18, 2007;

10 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
11 efficiency, and will not cause prejudice to any party.

12 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and defendants, through
13 their respective counsel of record, as follows:

14 **SCHEDULE**

15 Plaintiffs shall have until no later than October 18, 2007 to file and serve oppositions to
16 defendants' motions to dismiss. If defendants file and serve replies to plaintiffs' oppositions, they
17 will do so within 30 days after service of the oppositions.

18 DATED: October 8, 2007

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22 /s/
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25 Additional Counsel for Plaintiffs

26 DATED: October 8, 2007

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28 DAVID A. PRIEBE

/s/
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Attorneys for Defendants

1 DATED: October 8, 2007

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4 /s/

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9 Attorneys for Defendant Richard Lieb

10 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
11 Stipulation and [Proposed] Order Revising Briefing Schedule For Plaintiffs' Opposition to
12 Defendants' Motions to Dismiss. In compliance with General Order 45, X.B., I hereby attest that
13 David A. Priebe and Lawrence T. Hoyle, Jr. have concurred in this filing.

14 /s/

15 AELISH M. BAIG

16 * * *

17 **ORDER**

18 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
19 GRANTS the parties' Stipulation.

20 IT IS SO ORDERED.

21 DATED: 10/11/07

Ronald M. Whyte

22 THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 8, 2007.

/s/

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to

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